

REMARKS

Claims 1 to 54 were pending in the application. Applicants have canceled claims 1 to 54, without prejudice, and have added new claims 55 to 111. Applicants reserve their right to pursue the subject matter of the canceled claims in the present application or a related application. New claims 55 to 111 are supported by the specification as originally, *see, e.g.*, the table below for exemplary support, and thus, do not constitute new matter. Upon entry of this Amendment, claims 55 to 111 will be pending.

Claim	Exemplary Support in the Specification As Filed
55	Page 2, line 22 to page 3, line 3; page 4, lines 16 to 17; page 21, line 11 to page 23, line 3; page 33, lines 12 to 14
56	Page 2, line 22 to page 3, line 3; page 5, lines 20 to 25; page 21, line 11 to page 23, line 3; page 33, lines 12 to 14
57, 59	Example 3, page 56, line 20 to page 57, line 7; page 2, line 22 to page 3, line 3; page 4, lines 16 to 17; page 21, line 11 to page 23, line 3; page 33, lines 12 to 14
58, 60	Example 3, page 56, line 20 to page 57, line 7; page 2, line 22 to page 3, line 3; page 5, lines 20 to 25; page 21, line 11 to page 23, line 3; page 33, lines 12 to 14
61, 62	Page 4, lines 22 to 26
63, 64	Page 4, lines 3 to 7
65, 66	Page 22, lines 10 to 12
67, 68	Page 22, lines 9 to 10
69, 70	Page 6, lines 18 to 22
71	Page 29, lines 3 to 5
72	Page 29, lines 5 to 7
73	Page 42, lines 2 to 5
74	Page 42, line 3; page 46, lines 11 to 14
75	Page 44, last paragraph
76	Page 45, lines 3 to 5
77	Page 45, lines 3 to 5; page 60, line 17; Figure 10
78, 79	Page 19, last paragraph
80, 81	Page 9, lines 13 to 14
82, 83	Page 9, lines 7 to 8
84, 85, 103, 104	Page 22, lines 10 to 12
86, 87, 105, 106	Page 22, lines 9 to 10
88, 89, 107, 108	Page 6, lines 18 to 22
90	Page 29, lines 3 to 5
91, 109	Page 29, lines 5 to 7
92, 110	Page 42, lines 2 to 5
93	Page 42, line 3; page 46, lines 11 to 14
94	Page 44, last paragraph
95, 111	Page 45, lines 3 to 5
96	Page 45, lines 3 to 5; page 60, line 17; Figure 10
97, 98	Page 19, last paragraph

Claim	Exemplary Support in the Specification As Filed
99, 100	Page 9, lines 13 to 14
101, 102	Page 9, lines 7 to 8

In the Office Action mailed January 26, 2009, the Examiner issued a restriction requirement under 35 U.S.C. §§ 121 and 372 requiring Applicants to elect one of the following groups:

- Group I: Claims 1-27 and 49-52, drawn to the special technical feature of a method of determining whether a candidate compound modulates gene expression comprising providing a compound and a reporter gene system, wherein said reporter gene linked to an untranslated region comprising SEQ ID NO: 1; and detecting expression of said reporter gene in said system, wherein expression of said reporter gene is altered relative to expression of a reporter gene not linked to an untranslated region comprising SEQ ID NO: 1.
- Group II: Claims 28-31, drawn to the special technical feature of a cell line comprising a reporter gene linked to an untranslated region comprising SEQ 10 NO: 1.
- Group III: Claims 32-43, drawn to the special technical feature of a hybrid comprising a nucleic acid molecule comprising SEQ ID NO: 1 and a compound wherein said compound is capable of inhibiting expression of a reporter gene linked to said nucleic acid molecule comprising SEQ ID NO:1 relative to the expression of a reporter gene not linked to a nucleic acid molecule comprising SEQ ID NO:1.
- Group IV: Claim 44, drawn to the special technical feature of a hybrid of a compound and a nucleic acid molecule comprising SEQ ID NO: 1, wherein said compound is capable of preferentially binding said nucleic acid molecule relative to nucleic acid molecule not comprising SEQ ID NO: 1.
- Group V: Claims 45-48, drawn to the special technical feature of a substantially purified nucleic acid molecule comprising between 95% and 99% sequence identity with a nucleic acid molecule of SEQ ID NO: 1, a fragment thereof, or a complement of either.
- Group VI: Claims 53-54, drawn to the special technical feature of a substantially purified polypeptide characterized by (a)-(d) of claim 53.

In response, Applicants hereby elect to prosecute the subject matter of Group I, drawn to a method for determining whether a candidate compound modulates gene expression. New claims 55 to 111 are directed to methods for identifying candidate compounds and are believed to read on the elected subject matter.

In addition to the restriction requirement, the Examiner has required the election of a single species of cells if Group I is elected. In particular, the Examiner has required that Applicants elect MCF-7 or BT474 cells as a single species. In response, Applicants hereby elect MCF-7. Applicants believe that claims 55 to 74, 76 to 93, and 95 to 111 read on the elected species.

Applicants respectfully request consideration of the amendments and remarks made herein and entry of them into the file history of the present application.

Respectfully submitted,

Date: June 26, 2009

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

By: Jennifer J. Chedra
Reg No. 46,617